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Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

**Doe v. Warren Consolidated Schools
Case No. 00-72956**

Jury Verdict Form

Plaintiff Kelcie

FILED
DEC 16 2004
CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

Please fill out this form carefully, according to the instructions given to you in court and the directions contained below. If, after careful review of the form and discussion among you, you have a question about the form, you may direct it to the Court in the manner I have explained. After this form is completed, your foreperson should sign it and notify the court officer that you have reached a verdict.

§1983 LIABILITY

Question 1

Did James Kcarly violate the constitutional rights of Kelcie?

☒ Yes

☐ No

If your answer to this question is no, do NOT answer any other questions. Have the foreperson sign the form and notify the Court officer that you have reached a verdict.

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

Question 2

a. Did the school district engage in a policy or firmly established custom of inaction relative to violation of constitutional rights of Kelcie by Mr. Kearly?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that policy or firmly established custom a proximate cause of damages to Kelcie?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Question 3

a. Did Paul Stamatakis demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Kelcie?

☒ Yes

☐ No

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

b. If "No", go to the next question. If "Yes", was that deliberate indifference a proximate cause of damages to Kelcie?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Question 4

a. Did James Clor demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Kelcie?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that deliberate indifference a proximate cause of damages to Kelcie?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

Question 5

a. Did Gerald Maiorano demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Kelcie?

☒ Yes

☐ No

b. If “No”, go to the next question. If “Yes”, was that deliberate indifference a proximate cause of damages to Kelcie?

☒ Yes

☐ No

If you have marked both questions “Yes” check off the “Liable” box below. Otherwise, check “Not Liable”.

☒ Liable

☐ Not liable

TITLE IX LIABILITY

Question 6

a. Was there at least one official of the school district with knowledge, with authority to address the abuse of Kelcie by Mr. Kearly and institute corrective measures who, through deliberate indifference, failed to take adequate precautions to prevent further abuse?

☒ Yes

☐ No

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b. If “No”, go to the next question. If “Yes”, was the inaction on the part of the school district a proximate cause of damages to Kelcie?

☒ Yes

☐ No

If you have marked both questions “Yes” check off the “Liable” box below. Otherwise, check “Not Liable”.

☒ Liable

☐ Not liable

If there is no “Liable” box checked in questions 2 – 6, do NOT answer any further questions as to this Plaintiff. Have the foreperson sign the form and notify the Court officer that you have reached a verdict as to this Plaintiff. Proceed to the remaining claims.

DAMAGES

Question 7

a. Did Kelcie suffer a violation of her constitutional rights as a proximate result of the conduct of one or more of the defendants?

☒ Yes

☐ No

b. If so, what actual damages do you find her to be entitled to receive?

\$ 600,000.00

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

c. If you also find that Kelcie entitled to punitive damages, then state the amount of damages that you believe is appropriate, separately as to each defendant. If you do not believe a defendant should be liable for punitive damages, put down "0"

- Paul Stamatakis: \$ 40,000.00
- James Clor: \$ 32,000.00
- Gerald Maiorano \$ 31,000.00

This is the unanimous verdict of the jury.

Foreperson

Paul F. Byrne

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Case No. 00-72956**

Jury Verdict Form

Plaintiff Sherri

Please fill out this form carefully, according to the instructions given to you in court and the directions contained below. If, after careful review of the form and discussion among you, you have a question about the form, you may direct it to the Court in the manner I have explained. After this form is completed, your foreperson should sign it and notify the court officer that you have reached a verdict.

§1983 LIABILITY

Question 1

Did James Kearly violate the constitutional rights of Sherri?

☒ Yes

☐ No

If your answer to this question is no, do NOT answer any other questions. Have the foreperson sign the form and notify the Court officer that you have reached a verdict.

Jury Instructions - Doe, et al v. Warren Consolidated Schools, et al.

Question 2

a. Did the school district engage in a policy or firmly established custom of inaction relative to violation of constitutional rights of Sherri by Mr. Kearly?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that policy or firmly established custom a proximate cause of damages to Sherri?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Question 3

a. Did Paul Stamatakis demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Sherri?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that deliberate indifference a proximate cause of damages to Sherri?

☒ Yes

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☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Question 4

a. Did James Clor demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Sherri?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that deliberate indifference a proximate cause of damages to Sherri?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Jury Instructions Doe, et al v. Warren Consolidated Schools, et al.

Question 5

a. Did Gerald Maiorano demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Sherri?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that deliberate indifference a proximate cause of damages to Sherri?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

TITLE IX LIABILITY

Question 6

a. Was there at least one official of the school district with knowledge, with authority to address the abuse of Sherri by Mr. Kearly and institute corrective measures who, through deliberate indifference, failed to take adequate precautions to prevent further abuse?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was the inaction on the part of the school

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district a proximate cause of damages to Sherri?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

If there is no "Liable" box checked in questions 2 - 6, do NOT answer any further questions.
Have the foreperson sign the form and notify the Court officer that you have reached a verdict.

DAMAGES

From this point forward, you will need to answer the questions separately for each plaintiff.

Question 7

a. Did Sherri suffer a violation of her constitutional rights as a proximate result of the conduct of one or more of the defendants?

☒ Yes

☐ No

c. If so, what actual damages do you find her to be entitled to receive?

\$ 600,000.00

c. If you also find that Sherri entitled to punitive damages, then state the amount of damages

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that you believe is appropriate, separately as to each defendant. If you do not believe a defendant should be liable for punitive damages, put down "0"

- Paul Stamatakis: \$ 40,000.00
- James Clor: \$ 32,000.00
- Gerald Maiorano \$ 31,000.00

This is the unanimous verdict of the jury.

Foreperson

Paul J. Hymn

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Jury Verdict Form

Plaintiff Sarah

Please fill out this form carefully, according to the instructions given to you in court and the directions contained below. If, after careful review of the form and discussion among you, you have a question about the form, you may direct it to the Court in the manner I have explained. After this form is completed, your foreperson should sign it and notify the court officer that you have reached a verdict.

§1983 LIABILITY

Question 1

Did James Kearly violate the constitutional rights of Sarah?

☒ Yes

☐ No

If your answer to this question is no, do NOT answer any other questions. Have the foreperson sign the form and notify the Court officer that you have reached a verdict.

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

Question 2

a. Did the school district engage in a policy or firmly established custom of inaction relative to violation of constitutional rights of Sarah by Mr. Kearly?

☒ Yes

☐ No

b. If “No”, go to the next question. If “Yes”, was that policy or firmly established custom a proximate cause of damages to Sarah?

☒ Yes

☐ No

If you have marked both questions “Yes” check off the “Liable” box below. Otherwise, check “Not Liable”.

☒ Liable

☐ Not liable

Question 3

a. Did Paul Stamatakis demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Sarah?

☒ Yes

☐ No

b. If “No”, go to the next question. If “Yes”, was that deliberate indifference a proximate cause of damages to Sarah?

☒ Yes

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☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Question 4

a. Did James Clor demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Sarah?

☒ Yes

☐ No

b. If "No", go to the next question. If "Yes", was that deliberate indifference a proximate cause of damages to Sarah?

☒ Yes

☐ No

If you have marked both questions "Yes" check off the "Liable" box below. Otherwise, check "Not Liable".

☒ Liable

☐ Not liable

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

Question 5

a. Did Gerald Maiorano demonstrate deliberate indifference to the likelihood that James Kearly would sexually abuse Sarah?

☒ Yes

☐ No

b. If “No”, go to the next question. If “Yes”, was that deliberate indifference a proximate cause of damages to Sarah?

☒ Yes

☐ No

If you have marked both questions “Yes” check off the “Liable” box below. Otherwise, check “Not Liable”.

☒ Liable

☐ Not liable

TITLE IX LIABILITY

Question 6

a. Was there at least one official of the school district with knowledge, with authority to address the abuse of Sarah by Mr. Kearly and institute corrective measures who, through deliberate indifference, failed to take adequate precautions to prevent further abuse?

☒ Yes

☐ No

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b. If “No”, go to the next question. If “Yes”, was the inaction on the part of the school district a proximate cause of damages to Sarah?

☒ Yes

☐ No

If you have marked both questions “Yes” check off the “Liable” box below. Otherwise, check “Not Liable”.

☒ Liable

☐ Not liable

If there is no “Liable” box checked in questions 2 – 6, do NOT answer any further questions. Have the foreperson sign the form and notify the Court officer that you have reached a verdict.

DAMAGES

From this point forward, you will need to answer the questions separately for each plaintiff.

Question 7

a. Did Sarah suffer a violation of her constitutional rights as a proximate result of the conduct of one or more of the defendants?

☒ Yes

☐ No

d. If so, what actual damages do you find her to be entitled to receive?

\$ 600,000.00

Jury Instructions – Doe, et al v. Warren Consolidated Schools, et al.

c. If you also find that Sarah entitled to punitive damages, then state the amount of damages that you believe is appropriate, separately as to each defendant. If you do not believe a defendant should be liable for punitive damages, put down "0"

- Paul Stamatakis:	\$	<u>40,000.00</u>
- James Clor:	\$	<u>32,000.00</u>
- Gerald Maiorano	\$	<u>31,000.00</u>

This is the unanimous verdict of the jury.

Foreperson

Paul F. Horner